MR. K. PADMANABHAN (*Chirayinkil I*): Sir, I rise to oppose this motion. Mosquito trouble is not one that is peculiar to Alleppey alone. I understand that there is not even a single taluk in Travancore which is free from this trouble. It has been almost the accepted policy of Government to devote their attention and energy solely for the welfare of the towns neglecting rural parts of the state. We have been clamouring here time and again for the various needs of the rural population. But I must say that all our cries were found to be cries in the wilderness. I am not grudging the sanction of this grant for Alleppey town. I think that a more wide-spread campaign against mosquito trouble should be started throughout the State.

MR. K. KUNJUKISHNA PILLAI (*Quilon I*): Sir, I rise to a point of order. This is a supplementary demand. Can a question of policy be discussed? May I know whether the member can or cannot refer to the necessity or otherwise of places other than Alleppey with regard to this demand?

PRESIDENT: He has to confine only to Alleppey.

MR. K. PADMANABHAN (*Chirayinkil I*): What I am submitting is that this is not a trouble peculiar to Alleppey alone. This is a nuisance throughout all towns and villages of Travancore.

PRESIDENT: Therefore you oppose this Demand?

MR. K. PADMANABHAN (*Chirayinkil I*): The mosquito trouble is not confined to Alleppey alone.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is it the opinion of the member that, if funds cannot be granted for combating the mosquito trouble throughout the State, no demand can be allowed?

MR. K. PADMANABHAN (*Chirayinkil I*): My only point is that, instead of confining the activities to this particular place alone, we should start a compaign for the whole State without any delay. On that ground, I oppose this particular demand.

PRESIDENT: The motion before the House is that Government be granted a sum of Rs. 1,250 as supplementary grant on behalf of the Public Health and Sanitation Department for grant to Alleppey Municipality for mosquito control.

The demand was put to vote and carried.

LEGISLATIVE BUSINESS.

THE TRAVANCORE TRADE UNIONS BILL—(*Continued.*)

PRESIDENT: The next item is Legislation. I suppose honourable members have already been discussing the Trade Unions Bill. The discussion on that Bill will now resume. I find that three honourable members have already spoken on the Bill *viz.*, Messrs E. V. Krishna Pillai, K. C. Karunakaran and Mr. M. L. Janardhanan Pillai.

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MR. M. L. JANARDANAN PILLAI (*Co-opted*) : Sir, on the last occassion.....

PRESIDENT : You had not finished?

MR. M. L. JANARDANAN PILLAI (*Co-opted*) : No, Sir. Sir, on the last occasion I was speaking on this Bill, I was referring to Section 17 which provides immunity for Trade Unions from civil suits in certain cases. But I do not find any provision anywhere affording protection to the employer against losses likely to happen, due to the employees' wilful or deliberate action. When such cases are proved, the Trade Unions must be made liable for such losses and same must be made a first charge on the Union funds.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether, under this Bill, the Trade Unions can be the Trade Unions of employees as well as the employers?

MR. M. L. JANARDANAN PILLAI (*Co-opted*): Yes. I do understand that. At the same time, it does not take away the force of my argument. I said that Trade Unions are in some cases likely to cause damages to employers. When they are provided with immunity, I think it is only fair that the employer should also be given an opportunity of recovering his damages from the funds of the Trade Unions, if it is proved that the Trade Unions have been wantonly and deliberately acting in such a manner as to inflict loss on the employers.

The next point, Sir, which I wish to place before the House is that the provisions in the Bill do not make it compulsory that every Trade Union, if it is to function, should be registered. In view of the privileges and the immunities conferred upon the Trade Unions, all Trade Unions ought to be registered. Un-registered Trade Unions should not be permitted to function. One reason why the employer is agreeable to the acceptance of the principle of this Bill is that he will be able to negotiate with a responsible body, brought into existence by statute. The Bill provides opportunities for Trade Unions to obtain the necessary funds for their working. The average labourer will not be able to understand when the demand is made for funds, whether the Trade Unions, making the demands, are all registered or unregistered. Therefore there is a serious danger of unregistered Trade Unions collecting funds and spending them for altogether different purposes, with the result that these unregistered Trade Unions would do more harm than good. I also fear, Sir, that there will be trouble between the Unregistered Trade Unions and Registered Trade Unions. Further Registered Trade Unions are certainly likely to exercise greater discipline among its members on account of their privileges and immunities.

This Bill does not prevent Trade Unions coming into existence with members representing different industries. That, to my mind, is a very serious difficulty. If a Trade Union claims to take into its fold, members coming from different industries, when members of one industry are faced with their own problem members of other industries will not be able to take the same view-point or interest as those who

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[Mr. M. L. Janardanan Pillai.]

are directly engaged in that particular industry itself. I therefore think that it is quite essential that one Trade Union should be registered only for one industry.

Sir, in Section 15, all the objects, which are likely to promote their happiness and welfare, have been provided for and certainly the employers welcome them. In Section 16, it is provided that, for the promotion of the civic and political rights, they shall have to constitute a separate fund by contributions separately made. Under Section 16 (*e*) those funds may be used for the holding of political meetings of *any kind* or the distribution of political literature or political documents of *any kind*. Section 15 (i) already provides that the general funds of a Trade Union may be used for the up-keep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen *as such*. So, the question of publishing periodicals or literature or holding of public meetings to protect their interests have been certainly provided for. In that case, Sir, it is certainly likely that Section 16 (*e*) would be abused as, thereby, the holding of political meetings of *any kind* or the distribution of political literature or political documents of *any kind*, are allowed A question may be naturally asked whether the members of Trade Unions should not be allowed to spend for the exercise of those rights which any private citizen has, for the advancement of his political rights and liberties. As for that matter, I submit that all people in this country are entitled to that freedom. But the general citizen is not given a statutory provision to collect money from all sorts of people and use it for political purposes. In so far as that has been provided for in this Bill, it is likely to be abused and turned into channels which are undesirable. As it is, these organisations, which are now not registered, are putting forward before the country day in, and day out, a number of journals, pamphlets and papers. I do not find them referring to any of their particular grievances. On the other hand, they are preaching socialistic ideas and advocating Marxian theories, which would never go to improve the interests or the happiness of the labourer from his present position. Therefore I am afraid that this clause 16 (*e*) is likely to be surely abused so long as they are given all the necessary privileges to do undesirable propaganda. Therefore, Sir, I have to point out that I cannot agree to that clause in this Bill. I am of the same opinion, as was given expression to by Mr. Haydon, at the last annual meeting of the Travancore Chamber of Commerce. He said:

> "..... there has been a very determined attempt on the part of pseudo-labour leaders in Travancore to disturb the happy relationship existing between the work-people and the employers by a campaign of vilification. Happily the response from the workers to this campaign has been very meagre, but the position might well have been very serious indeed, had strained relationship already existed between employer and employee. The same agitators have not failed to express themselves all too freely at the expense of Government, but Government are in a position to protect themselves in a manner beyond the powers of the average employer of labour".

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I therefore want this fact to be specially considered by the House.

Sir, Section 21 allows 50 per cent. of outsiders absolutely unconnected with the industry to be included in the Trade Union, as its members. That also is a very serious matter to which I would like to draw the attention of the House. My view-point as an employer is that an outsider is always unsympathetic towards the employer's difficulties. It may be probably because he is more sympathetic to the labourer or he does not care to sympathise, with the employer; but the fact remains that the outsider is practically hostile to the employer. I am quite sure that the labourer, left to himself, will be agreeable to reconcile himself at least with some of the view points of the employer. He will be willing to appreciate the employer's difficulties, because he must realise that after all his interest is not different from that of the employer and that ultimately both of them have to work together for their common good. But if outsiders are allowed to interfere, the chances of effecting a reconciliation are very remote. And one thing more. The labourer who would otherwise view the questions from the standpoint of the employer as well, will refuse to look at it from that standpoint, because he will think that somebody else will take up his cause and obtain for him still greater concessions, by threats and by creating difficulties for the employer. Human conditions being what they are, the employer also feels that this third party interference is always a trouble and that, even when the labourers are prepared to agree and settle the troubles, difficulties are created by the outsider, which make it almost impossible for a reconciliation. I quite realise that it has been said in the Whitely Commission Report that a certain percentage of outsiders ought to be allowed to come into these organisations, but such provision is advocated only during the earliest days of Trade Unions and that only to the extent of 331/3 per cent.

I may also point out, Sir, that conditions of labour in Travancore are different from those in British India. Our labourers, particularly in the plains, are much more educated than those in British India. Most of them are able to read and even edit newspapers. Many of them deliver splendid lectures. Some of them are even able to compose beautiful poems in Malayalam. I am sure Honourable members of this House will themselves testify to these facts. I do not see therefore any reason why, in Travancore, outside interference should be allowed at all in these Trade Unions.

PRESIDENT: Is the honourable member likely to take some time more?

MR. M. L. JANARDANAN PILLAI (*Co-opted*): I may require about 15 minutes more, Sir.

The House adjourned for lunch at 1·2-P. M. and re-assembled at 2. P. M. with the Deputy President in the Chair.

NEW MEMBER.

The following new member took the oath and signed the Rolls:—

Mr. M. Govinda Pillai.

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MR. M. L. JANARDANAN PILLAI (*Co-opted*): There is one other aspect of the Bill which I would like to refer to. It is provided that not less than half the number of officers of every registered Trade Union shall be persons actually engaged in the industry, with which the Union is connected. This provision, to my mind, is defective. This is what the Report of the Labour Commission says on this matter :—

> "At the same time, as many of the present leaders would be the first to recognise that the man drawn from outside the world of labour is handicapped in more than one direction. He has seldom a complete knowledge of the technical details of the industry to which his work is related, and cannot hope to meet the employer on equal terms in this respect",

In regard to internal difficulties, the Commission says :—

> "In recent years, trade unionism has had to face internal difficulties. For some time, efforts have been made by communists in India and from beyond its border to capture the movement. These met with their greatest success in Bombay in 1928. The absence of any strong organisation among the cotton mill workers and a realisation of their weakness, combined with the encouragement given by the result of a prolonged strike, enabled a few of the communist leaders, by an intense effort to capture the imagination of the workers and eventually to sweep over 50,000 of them into a communist organisation. One effect of these strikes, and particularly, the last disastrous strike, has been to render difficult the development of effective Trade Union Organisation during the next few years, the workers, discouraged and depressed are divided and many of them are still imbued with communist belief and ideals. These factors stand in the way of the creation of an effective organisation with which the employers association can negotiate".

In the light of these observations I submit, Sir, that all the officers of every Trade Union must be persons who are engaged in the industry, which is represented in that Union. I quite recognise the fact that, in some areas, the labourers may not be so well educated as to be able to organise the Union intelligently and properly. To solve this difficulty, provision may be made giving powers to the Registrar to declare which such areas are. In such areas not more than 10 per cent. of the number of officers may be recruited from outsiders.

I have already stated that the employer also gladly welcomes this measure, because he realises that it will be easier for him to deal with an organised body like the one contemplated by this Bill. As a matter of fact, the suggestion for a measure like the one now before us was made long ago, even in 1929, by Mr. Karunakaran himself, in the old Legislative Council. That, I suppose, makes it clear that the employers as a body are not against this measure. I may again repeat, Sir, that, with certain modifications that I have already indicated, this measure will receive the acceptance of the employers also. With these observations, I support the principle of the Bill.

MR. S. J. NAIR (*Nedumangad*): In spite of some of the defects and deficiencies, I agree with the principle of the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): What are those defects, please ?

MR. S. J. NAIR (*Nedumangad*): I shall explain, Sir. Let my friend patiently wait and hear me fully.

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In the interests of the country at large, a measure like the one now before us is absolutely necessary. It benefits both the employer and the employed. I shall now proceed to indicate the changes that I would like to make in some of the provisions in the Bill.

Clause 15 prescribes the purposes for which the general funds of the Union may be spent. That clause imposes very hard and unworkable restrictions, and has to be amended.

DEPUTY PRESIDENT: What is the principle, laid down by that clause, that you object to?

MR. S. J. NAIR (*Nedumangad*): We cannot expect, Sir, particularly in the first few years, that any of these Unions will be able to collect any big fund. It is therefore not possible for any of them to limit their expenses to one-fourth of their fund. I do not believe that they could make any progress in their work without spending more than one-fourth of their fund. This provision has therefore to be amended and a wider latitude in the matter of expenditure out of the fund be granted. Of course, that may be done at the Select Committee stage.

With regard to Clause 17 (1) and (2)—

MR. K. R. ELENKATH (*Kalkulam I*): Where is it said that not more than one-fourth of the fund could be spent?

MR. S. J. NAIR (*Nedumangad*): Clause 15 (*j*).

MR. K. R. ELENKATH (*Kalkulam I*): May I ask whether that does not relate to expenditure –

MR. S. J. NAIR (*Nedumangad*): If my friend will kindly go through the provision, the idea will be clear to him. I hope he will have the good sense to do it.

MR. K. R. ELENKATH (*Kalkulam I*): Is it not for contributions from the general fund that the one-fourth limit has been fixed?

DEPUTY PRESIDENT: What there is in the Bill is there. No questions need be asked about that, nor any answers given.

MR. S. J. NAIR (*Nedumangad*): I would suggest to my friend to obey the Chair. (*Laughter.*)

With regard to Clause 17, sub-clauses (1) and (2), when these sub-clauses are read together, it is clear that it is not only the Trade Union that is protected as a corporate body, but the individual members of these Unions also are given a general and sweeping protection. Anybody who is a member of these Unions is at perfect liberty to do anything and everything. So long as one continues to be a member of one of these Unions, no action will lie against him. Even for their personal acts, no action can be taken against them in our civil or criminal courts. That, I beg to submit, is not a desirable state of affairs. That provision has to be amended suitably.

Clause 18 deals with the enforcibility of agreements. Sanctity of agreements is set at naught by that provision. It has to be amended.

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[Mr. S. J. Nair.]

Clause 21 of the Bill says :—

"21. Not less than one-half of the total number of the officers of every registered Trade Union shall be persons actually engaged or employed in an industry with which the Trade Union is connected."

We all know, Sir, I know as a matter of fact from my own personal knowledge of conditions of labour in Travancore as well as in British India, that there are a number of petty agitators here in Travancore who pose themselves as champions and leaders of these and similar organisations and mislead the poor people who become members of these Unions. (*Hear, hear.*) These so-called leaders easily convert these poor, helpless and invariably uneducated labourers as convenients tools to meet their selfish ends.

DEPUTY PRESIDENT: To my mind, the word agitator carries no concrete sense.

MR. S. J. NAIR (*Nedumangad*): I am referring to petty politicians, who pose themselves as pinchbeck Nehru-like politicians here.

MR. K. PADMANABHAN (*Chirayinkil I*): What does the member mean by 'Nehru-like politicians'?

DEPUTY PRESIDENT: Words and expressions cannot be explained.

MR. S. J. NAIR (*Nedumangad*): I am referring to some of the irresponsible and selfish agitators in the State who assume themselves that they are like Pandit Motilal Nehru or Jawaharlal Nehru. Sir, we have such persons everywhere. Even in our State, there are such hot-headed persons with misguided and quixotic notions, who take it into their heads, for their selfish ends, to lead poor and helpless people to undesirable ways and strand them to harmful results. The clause, as it is, should not be permitted to go into the statute. It is absolutely necessary that at least 75 per cent. of the officers of every Union ought to be persons who are actually engaged in industrial pursuits.

Coming to Clause 26 of the Bill, while it provides the procedure to be adopted after the dissolution of a Union, there is no provision in the Bill to provide the conditions for such dissolution. What about the conditions which must be satisfied before a Union is dissolved? There is no provision in the Bill for that purpose. A suitable provision has to be added for this.

With these observations, I support the principle of the Bill.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): Sir, in the statement of objects and reasons, of this Bill, it is stated that this enactment would be conducive to the progress and welfare of labour as well as capital in the country. Therefore we should take particular care to see that the interests of both parties are safeguarded. But, going through the Bill, as it is now before us, one is impressed that the provisions are more in the interests of labour than in the interests of capital. As instances, I may just refer to clause 16 (*e*) and clause 21. Sir, this is a very serious matter. If fifty per cent. are outsiders, there

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is every possibility of these outsiders doing all sorts of mischief as they will have no real or genuine interest in the business. I am of opinion that outsiders should not be included in the Union; but if it is an absolute or unavoidable necessity, only a small percentage should be outsiders.

There is a general impression abroad that the condition of labour here is inferior to that of capital. It is just the reverse. In my opinion, capital requires more sympathy at the hands of the legislator. Otherwise it would be very much against the industrial progress of our nation.

Again Section 16 (*e*) provides.—

"(*e*) the holding of political meetings of any kind or the distribution of political literature or political documents of any kind."

We should be very careful in giving sanction to uneducated people especially in our State of Travancore, where labour is not so politicaley educated as in other western countries. So, if they take to political agitation blindly, I think it would result in serious consequences

DEPUTY PRESIDENT: Travancore is a place where more or less cent. per cent. are educated.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): So far as labour is concerned, my information is otherwise. Various instances of unrest among labourers in Alleppey and other places are pointed out as due to political unrest and that has been well expressed by several members last time. What I therefore would urge upon this House is to consider seriously the question of giving equal chances to the labourers as well as the capitalists. During the course of the discussion of the Bill in the Select Committee, I would seriously ask the members of the Committee, whoever they may be, to consider this question well and to provide safeguards for the capitalists as well as the labourers. With these words, I support the introduction of the Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have very great pleasure in supporting the principle of this most important piece of legislation so far as labour is concerned. Sir, this piece of legislation is based on the 1926 Act that obtains in British India. With regard to that Act itself, the Whitley Commission has stated in 1931 that at least within three years it must be modified. So the Bill that is now before this House, according to the experts who investigated this problem, has reached a stage at which further expansion and further changes have become necessary. Sir, Trade Unions are not merely for labourers. They are organisations for employers as well. If the Trade Union Act had been running for a sufficiently long period in British India and in Travancore we would have advanced a good deal with regard to the other necessary pieces of legislation for the advancement of labour. One of the reasons why the Factory Act in Travancore did not receive any amendment till now and one of the reasons why the Breach of Contract Act had to disfigure the statute book for such a long time was because labour was not organised. Sir, nobody can question the the right of persons to combine themselves and act for their own

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[Mr. K. Kunjukrishna Pillai.]

benefit. Under those circumstances, I cannot understand the force of of the argument that all people must be compelled to come under the Trade Union Act or no combinations should be allowed. This question was discussed at length in the Indian Legislative Assembly when the 1926 Act was under consideration and it was after very great consideration that they decided that there should be no needless infringement on the legal rights of persons to combine themselves, but care must be taken to give facilities for labourers to organise themselves and the rules and restrictions that we put upon it for the purpose of guiding them and controlling them should not be such or so great that it will not be possible for self-respecting Trade Unions to come in for registration.

MR. S. J. NAIR (*Nedumangad*): May I know from the member what he means by 'self-respecting trade unions must come in for registration'?

DEPUTY PRESIDENT: We have got very important business for transaction and I am not going to allow any member to put any question asking another member to explain ordinary English words. For that reason, Mr. Kunjukrishna Pillai need not answer.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, it is very difficult for some people to understand the meaning of the word 'self-respect.'

DEPUTY PRESIDENT: I have already given a ruling and I believe you are not more concerned than I.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, the Trade Union Act should not be hedged in with conditions and restrictions. That will drive away organisations of workmen from coming to and submitting to those conditions and restrictions. That should not be. Sir, the Whitley Commission has very pertinently pointed out that the Trade Union legislation should be subject to periodical examination, and, as often as possible, restrictions must be removed in such a way that more and more of the labourers will come in and that the registered Trade Unions will be the order of the day and not the exception. Sir, my friend, Mr. Janardanan Pillai, who seemed to say that he accepted the principles of this Bill, attacked this fundamental principle which is at the basis of this Bill, namely, the optional nature of the provision for registration.

DEPUTY PRESIDENT: Shall I make a correction? Mr. Kunjukrishna Pillai said that Mr. Janardhanan Pillai accepted the principle of this Bill. I think what we are concerned with is the principle of the Bill. Every Bill may have a number of principles; but under the law, we are concerned with the guiding principle of the Bill. So the various principles that other people might have mentioned need not be discussed in detail. The general underlying fundamental principle is the principle to be affirmed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, there are two or three fundamental principles which constitute the guiding principle of this Bill and I wanted to say that one of those is the option that is given to Trade Unions to get themselves registered or to remain outside the

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purview of the Trade Union Act. When the registration is made, the legal status of the Trade Unions is recognised and they get certain immunities and privileges. Those Trade Unions that want to get a legal status have to surrender some of their liberties and accept certain restrictions. In return for that, they get certain immunities and privileges, as pointed out by my friend, in Section 17. Sir, it is my view that only those Trade Unions that are willing to come under the protection of the law are entitled to these immunities and privileges. They are getting some special immunities and privileges with regard to certain acts in furtherance of the objects mentioned in Section 17. I do not wish to detail them. But there must be the option left for Trade Unions to exist without them. That has been found to be necessary even after the investigation by the Whitley Commission.

Another question that has been raised is with regard to the outsider controversy. That has been existing in various other parts of the world also. Even when the 1871 and 1876 Acts in England were discussed, this question was raised and it was said it was the outsider who created all this trouble. The Whitley Commission, after going into the question in minute detail, said that the employers had in the last analysis no objection against the outsider as such but that the objection was against individuals. That was based on the fact that they were not able to checkmate the advice that they gave to guide the labourers. Sir, nobody denies the absolute principle that lies at the root of trade unionism that labourers should have their dominant voice to guide and control these institutions.

MR. K. M. KURIAKOSE (*Muvattupuzha II*) May I know what is the proportion suggested in the Whitley Commission's Report in regard to outsiders?

DEPUTY PRESIDENT: That is a mere detail.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The Whitley Commission itself has suggested that two-thirds of the members should be from the labouring classes. From the nature of the advance of education, it was argued that only two-thirds should be there. Though I say that in Travancore there is a lot of literacy, in the matter of education, with regard to labour questions, I think that Travancore cannot boast to be on a par with British India. Education and literacy are two different matters. A man may be very well educated. He will be able to understand, decide, discriminate questions that affect him most satisfactorily even if he is not literate. The education that the British Indian labourers have received on account of the passing of the Trade Union Act as early as 1926 was not available to the labourers in Travancore. So, the Trade Unions here must be given some guidance for some time to come; and I think this Act which was working in British India from 1926 may be allowed to work at least for some time before we think of introducing further changes. If I had not thought so, I would have suggested various amendments to the present legislation. But the Trade Unions must settle down and must acclamatise themselves to the soil before we think of further advance. Sir, my friend, Mr. Karunakaran, when he was speaking the other day, stated

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[Mr. K. Kunjukrishna Pillai]

that there has been no demand for trade union legislation in Travancore, and it was only in one meeting or by one organisation, which he does not recognise, that this Bill was demanded. I may inform my friend that, five or six years ago, a body of labourers in Quilon made a specific demand with regard to the necessity of trade union legislation and they have been annually repeating it in all their conferences. Sir, even if there is no demand, that is not the criterion for us to deny a necessary piece of legislation to the people.

Perhaps that will be one of the reasons why there should be legislation to make labour alive to its rights. This morning when certain questions were asked, we found how, in the Government Press, such an employer, as Government itself, was getting sweated labour from the employees under them. How much more will private organisations which care only for profit go along this line can be imagined. It is, therefore, very important to have an organisation that will serve their interests.

Then I pass on to the next question regarding the necessity of immunities so far as Trade Unions are concerned. This did not find a place in the original English Act. Till 1906, these immunities were not available to the labourers. But after a specific case, known to students of trade unionism as the Taff.vale Case, an insistent demand was made, as a result of which the Trade Unions Act was passed. That act is the Great Charter of labour in England. That has been adopted in the Trade Union Act passed in British India. In 1920, the famous Wadia Case, in which several labour leaders in Madras were convicted for leading a strike, led to the necessity for an Act of this kind. From that time agitation was carried on. A resolution was passed in the Legislative Assembly. The Act of 1926 was the result. So the absolute necessity of immunities of trade Unions has been accepted in other countries. In introducing this legislation in Travancore, we are not treading new ground.

DEPUTY PRESIDENT: The British Indian legislators drew largely on the experience of England with regard to Trade Unionism.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, very largely. The Chair has stated another point which I omitted to mention. There was a lot of objection when this Bill was being piloted. It was said that trade unionism is an exotic growth and that it is not suited to Indian soil. There was a lot of argument against that Bill. But that argument was met in this way, that large-scale industries were of exotic growth. These industries were brought from Western countries. To meet the situation created by these exotic industries, we have to introduce palliative found effective there.

Then with regard to political funds, there has been very severe criticism from the advanced section of labour supporters in British India. Nobody disputes the fact that funds of Trade unions should be utilised only for genuine trade union purposes and that Trade Unions should not fritter away their energy in other directions.

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DEPUTY PRESIDENT : Which is the particular clause you are referring to ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Clause 16. Sir, you will find that that clause errs on the side of moderation, if at all. It does not give ample opportunities for Trade Unions who work for the amelioration of labour. Sir Shanmukham Chetti, as a member of the Indian Legislative Assembly, brought forward this point in his very illuminating speech. Sir Shanmukham is not a labourer. Sir Shanmukham has never been an irresponsible political agitator. He was alive to the interests of capitalists very much. But he was a close student of these problems and he came to the conclusion that, for peace and tranquillity, so very necessary between labour and capital, it is highly necessary to deal with organised Trade Unions. He pointed out the necessity of Trade Unions developing and securing their rights. In a forcible passage he says that politics should not be tabooed altogether, because there are three activities in which Trade Unions have to engage themselves : one is collective bargaining, the second is mutual insurance and the third is enactment for collective good. This third activity must be achieved. That again came up in the famous case known as the Osborne Case. It is by sheer experience, step by step, that all these clauses have grown up. It is too late in the day to dispute the necessity for these Sections. I can understand employers, interests bristling up and employers troubling themselves over legislation with regard to factories, wages or workmen's compensation. But it has been admitted by even Mr Karunakaran that there should be Trade Unions which must be compelled to register themselves In one way that accepts the necessity of Trade Unions duly registered thus giving them certain status and certain immunities. The argument is that, if it is optional, then people may not be willing to go and register their will with trade unions. So I hope that employers and others who wish industry in this land will have no hesitation in saying that this piece of legislation is absolutely necessary. And if you are going to give representation to labour, Trade Unions are a matter of necessity to give them an electorate. I have very great pleasure in supporting the principle of the Bill and I beg leave to ask this House to give its warm support to this most necessary piece of legislation which is a very moderate piece of legislation.

MR. G. NILAKANTAN (*Nominated*): I heartily welcome this piece of legislation The capitalists and employers of labour may raise a cry against the Factories Bill, but no wellwisher of the country can have anything to say against the Trade Union Bill. It has been said on the floor of this House by Chamber of Commerce representatives and other employers of labour that there is no real demand from labour for these legislations and that the Government in introducing these Bills have been moved by the so-called lawyer politicians; but they have not dared go into the causes and circumstances that have brought into existence the so-called agitators. Every thinking man with humanity in him knows what has been taking place in the country since the introduction of the Western method of industrialism in the country. The

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[Mr. G. Nilakantan.]

marvel is that our Government have been inactive so long. We have in the past had our caste guilds supposed to have been built on a religious basis in which the throat-cutting, soul-killing, and body-killing competition of the west had no place and in which the artisan and the manufacturing craftsmen had, under private and State patronage, leisure and ease for the play of imagination and originality and enjoyed a life full of of hope, joy and independence. They are now under the tender mercy of recruiting touts, foremen, provision dealers, middlemen and contractors and Government servants, who are out to exploit them.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Am I to understand the member as stating that the members of the Public Works Department and the Maramat Department are exploiting labour?

DEPUTY PRESIDENT: That is the member's view. The House is not going to accept it without challenge. So, Mr. Truscott need not be anxious.

MR. G. B. E. TRUSCOTT (*Chief Engineer, Roads, Buildings and Irrigation*): Very serious statements have been made by him.

DEPUTY PRESIDENT: If Mr. Truscott wants to speak on this, I shall certainly be glad to allow him to do so.

MR. G. NILAKANTAN (*Nominated*): Development of Trade Unionism is one of the most effective safeguards against such exploitation. As labour is illiterate and disorganised, demand for labour legislation seldom originates from labour; such legislation therefore proceeds from the inspiration of Government.

DEPUTY PRESIDENT: If you have got any special arguments either in support of or against the Bill, you can say that. There is a consensus of opinion that there should be some legislation.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Is the member opposing any portion of the Bill?

MR. G. NILAKANTAN (*Nominated*): I am supporting the Bill.

The object of Trade Union is to promote contentment with decent conditions of employment friendly relations between labour and employer, to secure shorter hours of work and higher wages and in some cases some share or co-partnership in the profits and management of industry. The proposed Bill is surely the chief instrument to bring about the objects.

As regards the objection brought against certain provisions of the Bill relating to admission into the unions of those not employed in any industry, utilisation of the union funds for political purposes, registration of union being made voluntary, proportion of those employed in industry and not employed in such industries, and any one union being permitted to represent more than one industry and to immunity of union from civil action, I am in full agreement with Mr. Kottoor

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Kunjukrishna Pillai. I am against watering down the provisions made in the Bill for free development of Trade Unions in our State.

MR. A. EASWARA PILLAI (*Kalkulam II*): I have only a word to say.

DEPUTY PRESIDENT: I have already called Mr. Parameswaran Pillai, the Law Member, to speak. But I found Mr. Nilakantan standing at the time. I could not stop him because he has already got up. Now I ask Mr. Parameswaran Pillai to speak.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether, after the Law Member's speech, any member will be allowad to speak?

DEPUTY PRESIDENT: That is not usual. Sometimes members who are anxious to speak may not get the chance. Mr. Elenkath unfortunately did not catch my eye. The only member who caught my eye was Mr. Nilakantan. In this particular case, there has been considerable discussion and there seems to be a kind of agreement with regard to the general principle of the Bill. Therefore even apart from the technical question of a member standing to speak, I do not think I shall be wrong in having called upon the Law Member to reply.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkr Vakil*): Mr. P. S. Mahomed may be allowed to speak. I have no objection.

DEPUTY PRESIDENT: Mr. P. S. Mahomed's request stands on a different footing. He is a gentleman who has been appointed a member of this Assembly for this particular purpose. Therefore, although I have called upon the Law Member to speak and since the Law Member seems to be agreeable to my modified direction, I shall call upon Mr. Mahomed to speak. I wish that at this late hour the member will be brief.

MR. P. S. MAHOMED (*Co-opted*): ഈ സഭയുടെ ശ്രദ്ധയിൽ ഇരിക്കുന്നതായ ഈ ബിൽ നിയമമായി വരണമെന്നുള്ളതിനെ സംബന്ധിച്ച് ഒരു വലിയ പ്രസംഗത്തിന്റെ ആവശ്യമൊന്നും തന്നെയില്ല എന്ന എനിക്കറിയാം. മി. കുഞ്ഞുകൃഷ്ണപിള്ള ഇങ്ങനെയുള്ള ഒരു ബില്ലിന്റെ ആവശ്യകത്ത വേണ്ടവിധത്തിൽ മൂണ്ടിക്കാണിച്ചിട്ടുണ്ട്. ഫാക്ടറി-ൽ ഇൻഡ്യൻ ലെജിസ്ലേറ്റീവ് അസംബ്ളിയിൽ ഇങ്ങനെ ഒരു നിയമം വേണമെന്ന ഒരു പ്രമേയം പാസ്സാക്കിയകാലത്തുതന്നെ ആലപ്പുഴയിൽ വേബർ അസോസ്യേഷൻ സ്ഥാപിച്ചു കഴിഞ്ഞിരുന്നു. ഇങ്ങനെ ഒരു നിയമം ഇതിന്റെ മുൻപുതന്നെ ഇവിടെ വരാത്തതു് അതിനു പര്യാപ്തമായ ഒരു സംഘടന ഇല്ലാത്തതുകൊണ്ടല്ല എന്നു ആദ്യമേ പറഞ്ഞുകൊള്ളട്ടെ. കഴിഞ്ഞ അസംബ്ളിയിൽ ലാമെമ്പറുടെ ഒരു ചോദ്യത്തിൻ തൊഴിലാളി പ്രതിനിധികളെ തിരഞ്ഞെടുക്കുന്നതിനു യോഗ്യതയുള്ള ഒരു തൊഴിലാളിസംഘം ഇവിടെ ഇല്ലെന്ന് മി. കുഞ്ഞുകൃഷ്ണപിള്ള മറുപടിപറഞ്ഞു. ഇങ്ങനെയുള്ള ഒരു സംഘത്തിന്റെ അഭാവം നിമിത്തമാണു് ലേബർ മജി

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[Mr. P. S. Mahomed]

ഇലക്ഷൻ സംബന്ധിച്ചു ഒരു പ്രതിനിധിയെ കണ്ടുപിടിക്കുന്നതിനു ഗവൺമെൻറിനു മാത്രമേ സാധിക്കയുള്ളൂ എന്നു മി: കുഞ്ഞുകൃഷ്ണപിള്ള പറഞ്ഞുവ്.

നമ്മുടെ ഉദ്ദേശം ഇന്നു മുതലാളികൾ ഭയപ്പെടുന്ന പലേ ന്യൂനതകളേയും പരിഹരിച്ചു തൊഴിലാളികളും മുതലാളികളും തമ്മിലുള്ള ബന്ധം കോഓപ്പറേറ്റീവായി തീരത്തക്കനിലയിലുള്ള ഒരന്തരീക്ഷത്തെ സൃഷ്ടിക്കുകയെന്നുള്ളതാണു. തൊഴിലാളികളുടേയും മുതലാളികളുടേയും കോഓപ്പറേറ്റീവായ പ്രവർത്തനത്തിനു വെളിയിൽനിന്നുമുള്ള ആളുകൾ തൊഴിലാളിസംഘത്തിൽ ചേർന്നാൽ ബാധകമായിതീരുമെന്നു് എന്റെ സ്നേഹിതൻ മി. എം എൽ. ജനാർദ്ദനൻപിള്ള പറയുകയുണ്ടായി. അതിലേക്കു് അദ്ദേഹം റായൽ കമ്മീഷൻ റിപ്പോർട്ടിലെ ചില ഭാഗങ്ങൾ ഉദ്ധരിക്കുകയുംചെയ്തു. അതിൽ ഏതാണ്ടു പരമാർത്ഥം ഉണ്ടെന്നു ഞാൻ സമ്മതിക്കുന്നു. എന്നാൽ വെളിയിൽനിന്നും ആളുകൾ വരാൻപാടില്ലാ എന്നുള്ള അഭിപ്രായത്തോടു എനിക്കു യോജിക്കുവാൻ നിവൃത്തിയില്ല.

തിരുവിതാംകൂറിലെ തൊഴിലാളിസംഘപ്രവർത്തനചരിത്രം സൂക്ഷിച്ചുനോക്കിയാൽ ചില സന്ദർഭങ്ങളിൽ വെളിയിൽനിന്നും വരുന്ന ആളുകൾ ചില വിഷമങ്ങൾ ഉണ്ടാക്കിയിട്ടുള്ളതായി കാണാം.

DEPUTY PRESIDENT: "വെളിയിലുള്ളവർ" എന്നു പറഞ്ഞതു തൊഴിലാളികളല്ലാത്തവർ എന്നോ അതല്ല, തിരുവിതാംകൂറിനു വെളിയിലുള്ളവർ എന്നോ?

MR. P. S. MAHOMED (*Co-opted*) : തൊഴിലാളികളല്ലാത്തവർ എന്നേ അർത്ഥമുള്ളൂ.

അഥവാ അങ്ങിനെ ആരെങ്കിലും വിഷമമുണ്ടാക്കുകയാണെങ്കിൽ അതിനു പരിഹാരമുണ്ടാക്കുകയല്ലാതെ തൊഴിലാളിയുടെ അഭിവൃദ്ധിക്കും താല്പര്യത്തിനും വേണ്ടി കായ്മായി പ്രവർത്തിക്കുന്ന ആളുകളെ തടയണമെന്നുള്ള നിബന്ധന ഒരിക്കലും ഉണ്ടായിരിക്കരുതു്.

MR. M. L. JANARDANAN PILLAI (*Co-opted*): അപ്രകാരമുള്ള സംഗതികൾ ഉണ്ടാകാതിരിക്കുന്നതിന് വല്ല മാർഗ്ഗവും മെമ്പർ നിർദ്ദേശിക്കുന്നുണ്ടോ?.

MR. P. S. MAHOMOD (*Co-opted*): അതിലേക്കു വേണ്ട പരിഹാരമാർഗ്ഗങ്ങൾ ആലോചിച്ചു നിർദ്ദേശിക്കുന്നതിനു സെലക്ട്കമ്മിറ്റി അംഗങ്ങൾക്കു സാധിക്കുമെന്നാണു എന്റെ വിശ്വാസം. അതുകൊണ്ടു് ഇതിലേ

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ക്കുള്ള പരിഹാരമാർഗ്ഗം ഇപ്പോൾ നിർദ്ദേശിക്കണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

രണ്ടാമതായി, ഈ സഭയുടെ ശ്രദ്ധയിൽവന്നതു് ട്രയിഡ്യൂണിയൻ ഫണ്ട് രാഷ്ട്രീയമായ കാര്യങ്ങൾക്കായി വിനിയോഗിക്കാൻ അനുവദിച്ചാൽ ഉപദ്രവം ഉണ്ടാകുമെന്നുള്ളതാണു്. തൊഴിലാളികൾക്കും രാഷ്ട്രീയമായനിലയിൽ ചില സ്ഥാനങ്ങൾ അവശ്യമാണു്.

രാഷ്ട്രീയമായ നിലയിലല്ലാതെ മുന്നോട്ടുപോകാൻ സാധിക്കയുമില്ല. അതുകൊണ്ടു് അതിലേക്കുള്ള സൌകര്യം അവക്കു കൊടുക്കണം. ഇതിനും പുറമേ ഇന്ന നിലയിൽ പ്രവർത്തിക്കണം എന്നു വരുന്നതുതന്നെ ചിലപ്പോൾ തൊഴിലാളികളുടെ ഇണത്തിനു ദോഷമായിത്തീർന്നേക്കാനിടയുണ്ടു്. ഈ സംഗതികളെല്ലാം സെലക്ട്കമ്മറ്റി വേണ്ടപോലെ ആലോചിച്ചു് പരിഹാരം ഉണ്ടാക്കുമെന്നു വിശ്വസിക്കുന്നു.

തൊഴിലാളികളുടെ പ്രവർത്തനത്തെ സഹായിക്കുന്നതിനു ചോദ്യപ്പെഴ്സ് ആഫ് കാമേഴ്സ് ഇവിടെ ഉണ്ടു്. തൊഴിലാളികളുടെ ഇടയിൽ ഇന്നുള്ളസംഘടനകൾക്കു നിയമസാധുത്വം ഇതുവരെ സിദ്ധിച്ചിട്ടില്ല. ഈ ബിൽതൊഴിലാളികളുടെ സംഘടനക്കു കൂടുതൽ പ്രയോജനകരമായിട്ടാണു കാണുന്നതു്. അതുപോലെതന്നെ മുതലാളികൾക്കും ഏതൊരു വിധമായ വിരോധത്തിനും ഇടകൊടുക്കാതെയും ഇരുകൂട്ടരുടേയും ക്ഷേമത്തെയും പൊതുവേരാജ്യക്ഷേമത്തെയും മുൻനിറുത്തിയും വേണ്ട ഭേദഗതി വരുത്തത്തക്കവണ്ണമുള്ള അധികാരത്തോടുകൂടി ഈ ബിൽ സെലക്ട് കമ്മറ്റിക്കയക്കണമെന്നുള്ള അഭിപ്രായത്തോടുകൂടി ഞാൻ ഈ ബില്ലിന്റെ മുഖവുരത്തോടു യോജിച്ചുകൊള്ളുന്നു.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, it is clear from the debate on this Bill, That there is a general consensus of opinion as to the necessity of a measure of this sort and as to the acceptability of the general principles involved therein. We have a heavy legislative programme for this evening and I shall not take up any further time of the House over this Bill.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Is the general strike legal or illegal under the provisions of the bill?

DEPUTY PRESIDENT: That is a question of expert opinion which the Law Member may not care to give. Nor will his assurance be of any legal value.

The question is whether the principle of the Bill be affirmed,

The principle of the Bill was affirmed.

The Secretary to the Sri Mulam Assembly then read the title of the Bill,

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move that the Bill be referred to a Select Committee consisting of—

Messrs. T. K. Velu Pillai
T. T. Kesavan Sastri
K. Kunjukrishna Pillai
K. M. Kuriakose
S. Nilakanta Pillai
S. Chattanatha Karayalar
T. P. Velayudhan Pillai
K. C. Karunakaran
Menatheri N. Kesava Panicker
M. K. Madhavan Pillai
T. K. Alexander
Pottayil S. Krishna Panicker
J. W. Tolson
M. L. Janardanan Pillai and
P. S. Mahomed,

The Committee is to report within four months.

MR. R. PITCHU AIYANGAR (*Ag. Commissioner of Police*): I second it.

DEPUTY PRESIDENT: Is there any amendment?

(Nobody stood up for a time.)

MR. S. J. NAIR (*Nedumangad*): I propose that Mr. P. K. Narayana Pillai may also be put in.

DEPUTY PRESIDENT: Did you get up before I got up?

MR. S. J. NAIR (*Nedumangad*): We got up together (*Laughter*).

DEPUTY PRESIDENT: I am sorry I cannot allow the amendment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): What about the mover of the Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The mover, *i. e.*, member in charge of the Bill, is a member ex-officio.

MR. K. R. ELENKATH (*Kalkulam I*): On a point of order. The Chair got up and asked whether there is an amendment. Mr. S. J. Nair stood up accordingly. I would like to know whether his standing up was too late.

DEPUTY PRESIDENT: The Chair is following what is going on here and I remember what I do. Anyhow I do not want to say anything more because, once there is a ruling, it is a ruling, and it abides.

MR. S. J. NAIR (*Nedumangad*): I rise to a point of order.

DEPUTY PRESIDENT: I cannot allow that. Will Mr. S. J. Nair sit down? Mr. S. J. Nair can raise a point of order when anything happens and not when he sits down.

MR. S. J. NAIR (*Nedumangad*): It is about a thing which happened just now.

DEPUTY PRESIDENT: I am not prepared to allow any point of order now, The House was not doing any business just now.

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The question before the House is whether the motion regarding Select Committee which has been proposed and seconded is acceptable to the House.

The motion was carried.

THE TRAVANCORE TRADE DISPUTES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I rise to introduce the Travancore Trade Disputes Bill. It has been published in the Gazette with a Statement of Objects and Reasons and I beg to move that the Bill be read in the Assembly.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*) ; I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, from the speeches on the Factories Bill and on the Trade Unions Bill and from certain recent happenings in the country, it is clear that there is a sort of labour unrest in certain areas in the country. Loss occasioned by industrial disputes, resulting in strikes or lock-outs, to the employers as well as to the employed and the public at large, would be considerable, and I need not dilate upon that aspect of the matter. That all reasonable measures should be adopted to maintain industrial peace will also be admitted on all hands. This Bill has been proposed to provide a machinery for the settlement of industrial disputes, if any such unfortunately arises.

Clauses 3 to 14 of the Bill provide for the establishment of tribunals for the investigation and settlement of trade disputes. The tribunal may be either a Court of Enquiry or a Board of Conciliation. When the dispute arises, it may be referred either to a Court of Enquiry or a Board of Conciliation. Courts of Enquiry are appointed to inquire into and report on specific matters referred to them. Boards of Conciliation are concerned not with any specific points referred to them but are, on the other hand, appointed to investigate the dispute firstly with a view to its settlement and secondly with a view to enlightening the public regarding its merits. Courts of Enquiry will consist of an independent Chairman and other independent members, independent in the sense that they will have nothing to do with the dispute or trade in which the dispute arose. The Board of Conciliation will consist of an independent Chairman and ordinarly of other members who may be independent or may represent parties to the dispute. Both the Court of Enquiry and the Board of Conciliation will have power to enforce the attendance of witnesses and the production of documents and their reports are to be published. Neither party will be under any obligation to accept the findings of the Court or the settlement offered by the Board and in cases where the dispute is not put an end to, reliance is placed on the force of public opinion. And the public will be enabled, by the publication of the report, to arrive at conclusions on the merits of the dispute. Perhaps Government and public-spirited men may also be able to bring to bear their influence in settling the dispute in view of the findings of the Court or the Board.

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